

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

RICHARD S. GRIFFIN and GRIFFIN)
FARM & LANDFILL, INC.,)

Plaintiffs,)

v.)

Case No. 3:05-cv-514-RJC

TOWN OF UNIONVILLE, NORTH)
CAROLINA,)

Defendant.)

ORDER RE: PLAINTIFFS' SIXTH CLAIM FOR RELIEF

This matter is before the Court on the parties' responses to its March 14, 2008 Order (Doc. No. 58), which required that the parties submit proposed declaratory judgments with respect to the plaintiffs' Sixth Claim for Relief (concerning the validity and limits of their 1997 Special Use Permit at issue in this litigation). Having considered the parties' submissions and the Court's Memorandum and Order on the parties' cross-motions for summary judgment (Doc. No. 57),

IT IS THEREFORE DECLARED AND ORDERED THAT:

1. The plaintiffs' November 3, 1997 Special Use Permit provides only current zoning approval limited to a "Construction and Demolition" and "Land Clearing and Inert Debris" landfill in strict accordance with the plans submitted to and approved by the Union County Board of Adjustment in 1997, subject to the terms and conditions of the 1997 Special Use Permit; and
2. The plaintiffs' Sixth Claim for Relief be **DISMISSED**.

Signed: March 31, 2008

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

